

Minutes of the Hearing Officer meeting held on Wednesday, July 10, 2019 at 12:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Lesley Burns, Hearing Officer
 Susan Nixon, Associate Planner
 Zac Smallwood, Associate Planner
 Briant Farnsworth, Deputy City Attorney
 Applicant

Ms. Burns opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

CONFLICT OF INTEREST

Ms. Burns stated that she has no conflicts of interest for this agenda.

CASE #1564 – PHILIP MOEHLE – 6508 South Hickory Lane – Project #19-083

Philip Moehle was the applicant present. Susan Nixon reviewed the location and request for a variance rear yard accessory building separation requirement. The request is specifically for the requirement that all accessory structures in rear yards be located at least six feet (6') to the rear of the main dwelling. The property is addressed at 6508 South Hickory Lane in the R-1-8 zone. Ms. Nixon stated that the applicant has proposed to construct a new 22' X 24' detached garage and a new 20' X 37' home addition. The existing rear yard garage would be demolished. The proximity of the proposed home addition and detached garage are in conflict each other in relation to the requirements of the separation variance for accessory structures. Ms. Nixon stated that Murray City Code allows homes that were built prior to April 7, 1987 to have a 15 ft. rear yard setback. The proposed garage and home addition each meet setbacks, but they do not meet minimum separation requirements from each other. The location of the proposed garage will not sit completely behind the rear of the home as required by City Code with the allowance for the new addition. Staff is of the opinion that the possible resizing of the addition and garage may enable the property to meet both setbacks. The lot is a typical corner rectangular shape lot and does not appear to have any uniqueness. Staff finds no unusual circumstances to the property. Based on review and analysis of the application materials, subject property and surrounding area, and applicable Murray City Land Use Ordinances, Staff finds that the application does not meet the standards for a variance, and recommends denial of the requested variance to Section 17.100.090(E)(1), that accessory structures in the rear yard be located a minimum of six-feet (6') to the rear of the main building for the property addressed 6508 S Hickory Lane.

Ms. Burns asked Ms. Nixon to identify the area where the front, rear and side yard setbacks are located because the property is a corner lot. Ms. Nixon explained that the home faces onto Hickory Lane and the front setback would be from Hickory Lane. The corner side yard setback from Ironwood Avenue is twenty-feet. The interior side yard setback on the north is 8-feet and the rear yard setback on the west is 15 feet.

Ms. Burns asked if the variance is approximately 10-feet because the proposed garage does not sit back behind the proposed addition. Ms. Nixon answered yes, that is correct. Ms. Nixon added that the home is only 975 Sq. ft. and it is considered a smaller home by today's standards.

Ms. Burns opened the meeting for public comment.

Mr. Moehle stated he wanted to respond to Staff's findings and explained that he believes literal enforcement does not allow for a reasonable size and practically located addition to the home while maintaining a two-car garage. The area on the north side of the home is undesirable because there is only 15.82 feet and there is not enough space to build there. The layout of the home makes other sides undesirable to add on to. Mr. Moehle stated that he believes the lot is not unique but, it is uncommon for our neighborhood because the home is smaller than similar homes of the same age in the neighborhood. Many homes nearby have added detached garages and additions that do not meet current zoning requirements and are an eye sore. Mr. Moehle stated that a smaller addition was not considered because it would not suit the size of his family and he does not wish to relocate. The substantial property right that is enjoyed by others is the ability to have their garage located entirely or partially in the side yard area. The variance will not allow for a massive, unsightly addition or a lot layout that is unique to the area. Mr. Moehle explained that in the east side of his neighborhood there are eight homes where the garage is located in the side yard and not attached. He stated that granting approval of the requested variance will not substantially affect the General Plan and will not be contrary to public interest. Mr. Moehle stated that he works as a Land Surveyor and worked with Staff and two different architects to find a configuration that would allow the addition and a two-car garage which complies with the current setbacks, but it can't be done. Mr. Moehle presented digital pictures of his property along with other properties in the neighborhood that have added editions and detached garages.

Ms. Burns asked if the other houses in the neighborhood have added their additions or garages recently or if the homes have been there for quite some time. Mr. Moehle replied that he was not sure but, he believes they were added after the home was built and could have been grandfathered in. Mr. Moehle stated that his proposed changes would not be out the ordinary in this neighborhood. Ms. Burns inquired about the building parameters given to the two architects when they tried to design the site and failed. Mr. Moehle stated that the site plan presented today is his design. He stated that several design layouts were looked at, including an addition to the short half of the house which the structural engineer stated that they would have to rip down the entire side of the house and start over because it is not structural or strong enough. If the garage were to be attached to the north side of the home, it would still need a variance.

The public comment portion was closed.

Ms. Burns stated she will forward her written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, July 17, 2019.

Ms. Nixon clarified that this area of the City was annexed in from Salt Lake County about 15 to 17 years ago and the City does not have record on the surrounding home additions and it is possible that the homes could have been added onto while within the County boundaries and under different zoning regulations.

The meeting was adjourned at 12:55 p.m.

A handwritten signature in black ink, appearing to read "Jared Hall", is written over a horizontal line.

Jared Hall, Community & Economic
Development Supervisor